

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

WILLIAM J. BREWER, Jr.,

Plaintiff,

vs.

Civil Action 2:14-cv-534
Judge Graham
Magistrate Judge King

MICHELLE MILLER, *et al.*,

Defendants.

REPORT AND RECOMMENDATION

Plaintiff, an inmate currently incarcerated at the Belmont Correctional Institution ("BeCI"), brings this action under 42 U.S.C. § 1983 against the Warden and a Deputy Warden of BeCI and a Computer Technician at BeCI, alleging that he has been denied his constitutional right of access to the courts. This matter is now before the Court on plaintiff's December 1, 2014 motion asking that he be transferred to another institution. ECF 9. Plaintiff argues that he should be transferred from BeCI because the defendants named in this action are employees of BeCI. Plaintiff's motion is without merit.

Plaintiff has offered no factual support for his motion; there is no indication that defendants have retaliated against plaintiff as a result of the filing of this action. Moreover, there is no suggestion that plaintiff is unable to prosecute this action from BeCI. Furthermore, an inmate has no constitutional right to be incarcerated

in a particular institution. *Olim v. Wakinekona*, 461 U.S. 238, 245 (1983); *Meachum v. Fano*, 427 U.S. 215, 224-25 (1976); *Crosky v. Ohio Dept. of Rehab. & Corr.*, No. 2:09-cv-400, 2012 WL 748408, at *9 (S.D. Ohio Mar. 8, 2012).

It is therefore **RECOMMENDED** that plaintiff's motion, ECF 9, be **DENIED**.

If any party seeks review by the District Judge of this *Report and Recommendation*, that party may, within fourteen (14) days, file and serve on all parties objections to the *Report and Recommendation*, specifically designating this *Report and Recommendation*, and the part thereof in question, as well as the basis for objection thereto. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(b). Response to objections must be filed within fourteen (14) days after being served with a copy thereof. Fed. R. Civ. P. 72(b).

The parties are specifically advised that the failure to object to the Report and Recommendation will result in a waiver of the right to *de novo* review by the District Judge and waiver of the right to appeal the judgment of the District Court. *See, e.g., Pfahler v. Nat'l Latex Prod. Co.*, 517 F.3d 816, 829 (6th Cir. 2007) (holding that "failure to object to the magistrate judge's recommendations constituted a waiver of [the defendant's] ability to appeal the district court's ruling"); *United States v. Sullivan*, 431 F.3d 976, 984 (6th Cir. 2005) (holding that defendant waived appeal of district court's denial of pretrial motion by failing to timely object to magistrate judge's report and recommendation). Even when timely

objections are filed, appellate review of issues not raised in those objections is waived. *Robert v. Tesson*, 507 F.3d 981, 994 (6th Cir. 2007) (“[A] general objection to a magistrate judge’s report, which fails to specify the issues of contention, does not suffice to preserve an issue for appeal”) (citation omitted)).

January 13, 2015

s/Norah McCann King
Norah M^cCann King
United States Magistrate Judge